

**CONCURRENT RESOLUTION OPPOSING FEDERAL
LEGISLATIVE EFFORTS TO STRIP STATES OF
AUTHORITY TO REGULATE CONGRESSIONAL ELECTIONS**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This concurrent resolution calls upon the members of the United States Congress to oppose legislative efforts to transfer control of elections from the states to the federal government.

Highlighted Provisions:

This resolution:

- ▶ highlights recent legislative efforts to nationalize control of elections to federal offices;
- ▶ reviews the history and adoption of the United States Constitution;
- ▶ explains the purpose of the United States Constitution's Elections Clause;
- ▶ explains that each state retains the authority to regulate congressional elections under the Elections Clause; and
- ▶ urges the members of the United States Congress to oppose legislative efforts that would transfer control of congressional elections from the states to the federal government.

Special Clauses:

None



Be it resolved by the Legislature of the state of Utah:

WHEREAS, in recent years, a series of bills have been introduced in the United States Congress claiming to support fair elections across the United States;

WHEREAS, while these bills purport to enhance the voting rights of American citizens, they would, if enacted, hand state and local control of elections to congressional offices over to the federal government;

WHEREAS, the framers of the United States Constitution, in creating a divided system of government, intended the federal government to exercise only those powers delegated to it by the states;

WHEREAS, this principle is embodied in the 10th Amendment to the United States Constitution, to wit: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.";

WHEREAS, the United States Constitution's Elections Clause, Article 1, Section 4, Clause 1, states in part: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.";

WHEREAS, James Madison, in explaining the purpose of the Elections Clause at the Virginia Ratifying Convention in 1788, stated that it was "necessary to leave the regulation" of congressional elections "to the state governments," as they are "best acquainted with the situation of the people.";

WHEREAS, the thirteen original states, in choosing to ratify the United States Constitution, retained for themselves the power to regulate elections for congressional offices under the Elections Clause;

WHEREAS, after ratification, states were admitted to the Union on an equal footing with those states already in existence, and therefore became entitled to exercise those same powers retained by the ratifying states, including the power to regulate congressional elections;

WHEREAS, the Elections Clause of the United States Constitution commands that each state has the inherent authority to regulate elections for congressional offices:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah and the governor concurring therein, calls upon the members of the United States Congress to oppose all legislative efforts to transfer state and local control of congressional elections to the federal government.

59 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Utah's
60 congressional delegation, the speaker of the United States House of Representatives, and the
61 president pro tempore of the United States Senate.